



Bristol-Myers Squibb Company  
Patent Legal Department  
Princeton, NJ 08543-4000

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GROUP 1600

**FACSIMILE TRANSMISSION SHEET**

IN RE APPLICATION OF  
SALVATI ET AL.

APPLICATION NO: 10/024,878

FILED: DECEMBER 19, 2001

FOR: METHODS FOR THE PREPARATION OF FUSED  
HETEROCYCLIC SUCCINIMIDE COMPOUNDS AND  
ANALOGS THEREOF

**DATE OF TRANSMISSION:** July 30, 2003

**TO:** Examiner Andrea D. Small  
Art Unit 1626

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RESPONSE TO RESTRICTION  
REQUIREMENT

**FROM:** Bristol-Myers Squibb Company  
ATTN: Deanna L. Baxam

**RETURN FACSIMILE NO.:** (609) 252-4526

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Deanna L. Baxam @ (609) 252-4014.

CASE LD0297CIP  
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July 30, 2003  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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FOR: METHODS FOR THE PREPARATION OF FUSED HETEROCYCLIC  
SUCCINIMIDE COMPOUNDS AND ANALOGS THEREOFAssistant Commissioner for Patents  
Washington, D.C. 20231**RESPONSE TO SECOND RESTRICTION REQUIREMENT AND ELECTION**

Sir:

In the Office communication mailed July 14, 2003, the Examiner rescinded the previous restriction and imposed a new multi-part restriction upon claims 1 and 2 of this application. Applicants response, with traverse, is provided below.

***Election***

Applicants hereby elect, with traverse, Group II as presented by the Examiner, which encompasses compounds of formula XVI wherein  $A_1$  and  $A_2$  are each  $CR_7$ ,  $R_7$  being defined as in claim 1; and  $Z_1$  and  $Z_2$  are each O/S. Compounds within this group are represented, for example, by the enantiomeric compounds 221B and 222D (page 349).

Applicants further submit that Group X, which is representative of the method of claim 2 wherein substituents  $A_1$ ,  $A_2$ ,  $Z_1$  and  $Z_2$  of formula XVIII are similarly defined, may properly be examined with claim 1. The restriction requirement has separated these compounds, however Applicants note that the classification of Group X is identical to that of Group II, therefore the search proposed for this Group would not impose any additional search burden.

With respect to the required election of a microorganism or enzymes that may be employed in preparing the compounds of the invention, Applicants further hereby elect, with traverse,

hydroxylase enzymes. It is to be understood that such enzymes can optionally be derived from microorganism sources, as is demonstrated in the Specification. Since the search for the hydroxylase enzyme would encompass microbial sources of the enzyme, it is unnecessary to require that Applicants specify using either a microorganism or the enzyme only, instead of allowing for the selection of either source to complete the hydroxylation reaction. Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement in this regard.

No fees are believed to be due in connection with this response. If it is determined that any such fees are due, Applicants will promptly remit such fees upon receipt of an appropriate notification.

The foregoing election and traversal are believed to be fully responsive to the outstanding Office Action. If a direct personal communication might advance the prosecution of this application, the Examiner is invited to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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Date: July 30, 2003